

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, May 3, 2010 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan  
Alternates present: F. Loxsom, K. Rawn  
Alternates absent: V. Stearns  
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:35 p.m. and appointed Rawn to act until Goodwin arrived.

#### **Minutes:**

4/19/10-Hall MOVED, Ryan seconded, to approve the 4/19/10 minutes as written. MOTION PASSED with all in favor except Plante who disqualified himself.

#### **Public Hearing:**

#### **Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32**

Chairman Favretti opened the public hearing at 7:36 p.m. Members present were R. Favretti, M. Beal, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan and alternates F. Loxsom, K. Rawn. Alternate Rawn was appointed to act until Goodwin's arrival. G. Padick, Director of Planning, read the Legal Notice as it appeared in the Chronicle on 4/20/10 and 4/28/10 and noted the following communications received and distributed to all members of the Commission: a 5/3/10 memo from G. Padick, Director of Planning; a 4/29/10 memo from D. Edens of 24 Birchwood Heights Road; a 5/3/10 email from C. Pellegrine; and a 5/3/10 memo from D. O'Brien, Mansfield Town Attorney. In addition to those communications, Padick noted the draft revisions had also been referred to appropriate staff, WINCOG Regional Planning Agency, Mansfield's Public Notice Registry and abutting towns.

Padick summarized each proposal and discussed the reasoning behind the changes and the intended results if approved.

Favretti noted no comments from the PZC and opened the floor for public comment regarding the definition of family and boarding house.

Jake Friedman requested the PZC take into consideration the impact on housing if the number of persons per household is limited.

Betty Wassmundt questioned if the non-conforming status would go with the land or the owner; if the PZC considered a situation in which the majority of the homes in a neighborhood are non-conforming with four un-related persons and a new house is used as a rental with 3 un-related people, will the new house be worth less because it is limited to three un-related; if thought had been given to encouraging neighborhood associations; and if the State of Connecticut defined family. Padick answered that the non-conforming status goes with the land, and Connecticut does not define family. David Freudman felt this was a "broad brush approach" and thought it was not the right of the Town to define family; he felt that as houses age it may be more beneficial to convert them to rental properties and this would limit that use; consideration should be given to the number who can live in

smaller versus larger homes; he was troubled by Town employees going around observing how many cars are in driveways of student rentals. It appears that the Town is “targeting” students.

Mike Sikoski agreed with the previous speakers and noted that it isn’t troublesome having students as neighbors, it’s having troublesome students as neighbors that is the problem. He felt that enforcement was an issue and noted that if the current regulations were hard to enforce now, this new regulation won’t make it any easier.

Joan Hall, who owns and rents properties in Mansfield, felt that the proposed changes in some ways are more generous because the definition of family is expanded. She had no opposition to the definition change from four to three un-related persons.

Favretti noted there were no more comments regarding the definition of family and boarding house, and he opened the floor for public comment regarding political signs.

Cynara Stites thanked the PZC for the proposed change and noted that as the President of the Northeast Chapter of the American Civil Liberties Union she found the revised regulations to be acceptable.

David Morse agreed with Stites comments.

Noting no further comments or questions from the Commission or public, Plante MOVED, Holt seconded, to continue the Public Hearing until June 7<sup>th</sup>. MOTION PASSED UNANIMOUSLY.

#### **Public Hearing:**

#### **Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, o/a B. Kielbania, File #1292**

Chairman Favretti opened the continued Public Hearing at 8:22 p.m. Members present were R. Favretti, M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan and alternates F. Loxsom, K. Rawn. Padick noted the following communications received and distributed since the 4/19/10 Public Hearing: a 4/28/10 memo from G. Meitzler, Assistant Town Engineer; a 4/29/10 memo from G. Padick, Director of Planning; and a 4/29/10 memo from G. Havens, E.H.H.D.

The applicant’s representative, Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, LLC, presented a 4/19/10 letter from J. Dipple, Director of the Farmland Preservation Program from the CT Department of Agriculture which outlined the proposal and stated that the farm stand expansion, green houses, and various barn expansions are acceptable uses.

Pociask questioned if any changes will be made for a handicap pathway, noting a 10% grade, and asked about additional lighting around the barn. Wentworth noted that the grade can be lessened when creating the pathway which will be built with D.O.T. standard stone-dust. At this time no additional lighting has been proposed.

Holt questioned if the applicant would be willing to eliminate the corn maze and agree to no outdoor amplification of music.

Attorney April Teveris, representing the applicant, indicated that Mr. Kielbania would be willing to withdraw the portion of his application that includes the corn maze at the site, but would like to reserve the right to come back to the Commission in the future should he want to revisit that part of the project.

Loxsom expressed concern about the traffic entering and leaving the site and if the precautionary signs would be enough to help the safety of travelers in that area. He asked Padick if speed humps near the area would be helpful. Padick responded that the Traffic Authority would not consider speed humps on a Collector Road such as Browns Road.

Favretti noted no comments from the PZC and no comments from the public.

Attorney April Teveris summarized the proposal stating that Mr. Kielbania is planning to bring a quality product to our community. She also noted that the applicant has tried to contact and work out concerns with the Loukas family with no resolution at this time.

Gus Loukas, the abutting property-owner, expressed that he was not opposed to the proposal, but was just concerned for the proximity of the activity to his home where his children's safety may be compromised by the extra vehicular traffic and visitors to the site.

Beal MOVED, Plante seconded, to close the public hearing at 8:47 p.m. MOTION PASSED UNANIMOUSLY.

### **Old Business:**

#### **1. Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33**

- a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
- b. Aquifer and Public Water Supply Protection Regulations
- c. Invasive Plant Species Regulations

Tabled-Public Hearing Scheduled for 6/7/10.

### **New Business:**

#### **1. Special Permit Modification Request Mansfield Hollow Hydro Project, 114 Mansfield Hollow Rd, File #1243**

Mr. Shifrin agreed to have the testimony presented at the IWA Public Hearing entered into the record of the PZC. Goodwin disqualified herself, and Chairman Favretti appointed Rawn to act.

Pociask MOVED, Ryan seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of S. and M. Shifrin for revisions to the planned Mansfield Hollow Hydro Facility at 114 Mansfield Hollow Road, as depicted on a 4/26/10 site plan as prepared by Datum Engineering and Surveying, LLC and 4/20/10 Power House rendering, and as described in other application submissions, subject to the following conditions:

1. All conditions cited in the Planning and Zoning Commission's April 6, 2006 approval shall remain in effect.
2. All necessary permit modifications from other agencies having jurisdiction over this project shall be obtained prior to construction.
3. No Zoning Permit shall be issued until it is confirmed that rear line setback requirements have been complied with. Final plans shall incorporate any appropriate changes in the depicted rear line setback.

MOTION PASSED with all in favor except Goodwin who was disqualified.

### **Zoning Agent's Report:**

The Zoning Agent's Monthly Enforcement Report was noted. Hirsch noted that Ed Hall is appealing the citations issued. There will be a hearing this Wednesday and Hall plans to make a plea as to why he isn't in violation. Hirsch will update the PZC at the next meeting on the hearing officer's decision.

Hirsch also noted a modification request for the interior use of a section of an existing building, Land of Local Treasures at 1029 Storrs Road. The applicant, Ms. Amanda Stinson, and the building owner, Mrs. Michelle Landon, were both present. The area would be used as a tattoo parlor and would be by appointment only with Stinson as the only employee, noting that no more than 2 cars at a

time would be parked there. Favretti questioned if she planned on having a sign, and Stinson indicated it would be one small sign that would fit under the existing sign. She indicated that the hours of operation would not extend past the hours of the Land of Local Treasures. Plante MOVED, Hall seconded, that the PZC authorize the PZC Chairman and the Zoning Agent to approve the 4/20/10 Request for Modifications of Amanda Stinson for a tattoo studio at 1029 Storrs Road, as submitted and described by the applicant. MOTION PASSED UNANIMOUSLY.

**New Business Continued:**

**2. Request for Bond Release- Pine Grove Estates, File #1187-2**

Holt MOVED, Pociask seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$20,000 cash bond plus interest that has been held to ensure that all Subdivision improvements in the Pine Grove Subdivision remain in an acceptable condition. MOTION PASSED UNANIMOUSLY.

**3. Request for Shed within Development Area Envelope, 37 Adeline Place, File #1187-2**

Holt MOVED, Plante seconded, that the PZC authorize the placement of a 10 by 16-foot storage shed to be located outside of the Building Area Envelope at 37 Adeline Place, as submitted by Sean Maynard and depicted on a plan dated 4/28/10, as provided for under Article VIII, section B.1.d of the Mansfield Zoning Regulations. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:**

Chairman Favretti noted the next Regulatory Review Committee meeting will be on 5/11/10 at 2pm in Conference Room C.

**Communications and Bills:**

Noted.

**Adjournment:**

Chairman Favretti declared the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Katherine Holt, Secretary